

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

S.L.

*a minor, by and through her
parent and legal guardian, D.L.,
Plaintiff,*

v.

**Civil Action No: 3:18-CV-162
(GROH)**

**City Hospital, Inc. d/b/a
Berkeley Medical Center,
A subsidiary of West Virginia
University Hospitals-East, Inc.,
d/b/a WV University Healthcare,
West Virginia University Hospitals, Inc.
West Virginia United Health Systems,**
Defendant.

**FIRST ORDER AND NOTICE REGARDING
DISCOVERY AND SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f) and Local Rule of Civil Procedure ("LR Civ P") 16.01 and 26.01 it is hereby **ORDERED** that:

1. Initial Planning Meeting <u>On or before: April 12, 2019</u>	3. Initial Disclosures <u>On or before: May 13, 2019</u>
2. Meeting Report <u>On or before: April 19, 2019</u>	4. Scheduling Conference: <u>If the Court deems appropriate</u>

(1) **Initial Planning Meeting:** Pursuant to Fed. R. Civ. P. 16 and 26(f) and LR Civ P 16.01(b), parties to this action shall meet in person or by telephone on or before April 12, 2019. At this meeting, the parties shall discuss all matters required by Fed. R. Civ. P. 16 and 26(f) and LR Civ P 16.01(b).

(2) **Meeting Report and Proposed Discovery Plan:** Pursuant to Fed. R. Civ. P. 26(f) and LR Civ P 16.01(c), the parties shall submit to this Court a written report on the

results of the initial discovery meeting on or before April 19, 2019. This report shall include the parties' report on those matters set forth in LR Civ P 16.01(b)(1-5) and 16.01(c) and the parties' discovery plan as required by Fed. R. Civ. P. 26(f). The parties may refer to Form 52 of the Federal Rules of Civil Procedure for an example of a report on a planning meeting. However, the parties should be certain to supplement Form 52 with LR Civ P 16.01(b)(1-5) and 16.01(c) disclosures. The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set forth in Fed. R. Civ. P. 16(f) and LR Civ P 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

(3) **Initial Discovery Disclosures:** Pursuant to Fed. R. Civ. P. 26(a)(1) and LR Civ P 26.01(a), each party shall provide to every other party the initial discovery disclosures required under Fed. R. Civ. P. 26(a)(1) on or before May 13, 2019.

(4) **Telephonic Scheduling Conference:** Upon receipt of the meeting report and proposed discovery plan, this Court may conduct a scheduling conference at a date and time deemed appropriate. See Fed. R. Civ. P. 16(b) and LR Civ. P. 16.01(d). However, if this Court determines, after a review of the meeting report and proposed discovery plan, that a scheduling conference is not necessary, no conference will be scheduled and a scheduling order will be entered. See Fed. R. Civ. P. 16(b) and LR Civ. P. 16.01(d).

The Clerk is directed to transmit copies of this Order to counsel of record herein along with copies of this Court's Scheduling Order Checklist.

DATED: March 11, 2019



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE

Guidelines for Completing the Scheduling Order Checklist

As part of the Rule 26(f) Report, ***the parties MUST complete and return the attached Scheduling Order Checklist.*** In completing this checklist, the parties should be guided by the following general timeline for scheduling in this Court, as well as any applicable federal or local rules. Of course, the parties are free to request any compression or extension of these general guidelines that they feel is warranted by the facts of a particular case.

It is generally easiest to work backwards when completing this checklist. The parties must first decide a date upon which their case will be ready for trial (the month and year will suffice). Civil trials in this Court generally begin on the second and fourth Tuesday of each month. Once a trial date is decided, the following general rules apply:

1. The Final Pretrial Conference should be set on a Friday 2 weeks before the Trial.
2. The Joint Final Pretrial Conference Order is due 1 week before the Final Pretrial Conference.
3. Pretrial Disclosures pursuant to FED. R. Civ. P. 26(a)(3), Jury Instructions, Voir Dire, Verdict Forms, and Motions *in Limine* are all due 1 month before the Final Pretrial Conference. Objections to the same are due 2 weeks before the Final Pretrial Conference.
4. Dispositive Motions must be filed 10 weeks before the Final Pretrial Conference.
5. The Discovery Completion date should be 1 month before Dispositive Motions are due.
6. Examinations/Inspections should be completed 8 weeks before Discovery

Completion.

7. Expert Disclosures by the party with the burden should be made 8 weeks before Discovery Completion.
8. Expert Disclosures by the party without the burden should be made 4 weeks before Discovery Completion.
9. Any Joinder and/or Amendments must be made 10 weeks before Discovery Completion.
10. Mediation must be completed 1 week before the Final Pretrial Conference.
11. Intermediate Pretrial Conferences are always upon request. If a situation arises which the parties feel warrants an intermediate pretrial conference, then the parties are free to so move.

Upon receipt of the parties' Rule 26(f) Report and Scheduling Order Checklist, the Court will review the parties' proposed dates and verify that there are no conflicts with the Court's existing schedule. If a conflict does exist, the Court will change the parties' proposed date to the nearest date/time which the Court can accommodate. Any objections to the Court's Scheduling Order can be raised via motion.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

Plaintiff(s),

v.

Civil Action No. _____

Defendant(s).

SCHEDULING ORDER CHECKLIST

ATTORNEYS

1. INTERMEDIATE PRETRIAL CONFERENCE

Upon request

2. MEDIATION Before - _____

3. JOINDER AND AMENDMENTS _____

4. EXPERT DISCLOSURE

a. With Burden _____

b. Without Burden _____

5. EXAMINATION/INSPECTIONS _____

6. DISCOVERY COMPLETION _____

7. DISPOSITIVE MOTIONS _____

8. PRETRIAL DISCLOSURES, FED R. CIV PRO 26(a) 3

a. Objections _____

9. JURY INSTRUCTIONS, VOIR DIRE and VERDICT FORMS

a. Objections _____

10. MOTIONS IN LIMINE

a. Objections _____

11. JOINT FINAL PRETRIAL CONFERENCE ORDER

12. FINAL PRETRIAL CONFERENCE

13. TRIAL

(If non-jury trial, Proposed Findings of Fact
and Conclusions of Law are to be filed with Court
and opposing counsel _____)